THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 15376 of 2005

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Dated: 20.09.2005

Between:

P. Ramesh Babu S/o Bhaskara Rao
R/o Rayanapadu Post, Vijayawda Rural,

Vijayawada, KRishna District.

..... PETITIONER

AND

The Deputy Divisional Manager (Coor),

South Central Railway, Vijayawada.

.....RESPONDENT

ORDER:

The petitioner is a contractor and executing various works in South Central Railway. Pursuant to the tender notices dated 30.05.2003 and 15.07.2003, he was allotted the works, namely, improvements to flush tanks for staff quarters in colony/Rayanapadu and repairs to broken and damaged open drains in wagon workshop colony, Rayanapadu, for Rs.4,98,534/- and Rs.3,58,434/-, respectively, by the respondent and the petitioner had completed the works within the stipulated time and the bills were also settled to him by the respondent. After lapse of one year, the respondent has issued the impugned proceedings dated 23.06.2005 directing the petitioner to pay an amount of Rs.3, 15,152/- on the reason of excess payment made to him by the railway authorities in respect of the above works, without affording any opportunity to the petitioner to put forth his contention. Challenging the said action of the respondent, the petitioner is before this Court.

As none appeared for the petitioner on 14.09.2005 the writ petition was posted to 15.09.2005. Thereafter it was adjourned to 19.09.2005 on which date, on the request made by the learned counsel for the petitioner, it is listed today. Even today also the petitioner is not evincing any interest to proceed further.

Learned standing counsel appearing for the respondent opposed the writ petition on the ground that the subject matter purely relates to money transaction, and hence, it cannot be decided in this writ petition.

As seen from the impugned proceedings, the petitioner was directed to pay the excess amount paid to him. The question as to whether the said amount is excess or not cannot be determined by this Court, while exercising the jurisdiction under Article 226 of the Constitution of India.

Therefore, the writ petition is disposed of leaving it open to the petitioner to avail the appropriate remedies available to him under law. No costs.

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20.09.2005

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